

1 THE HONORABLE BARBARA J. ROTHSTEIN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 WILBERT NAPOLEON, individually and on
10 behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 AMAZON.COM, INC.,

14 Defendant.

Case No.: 2:24-CV-00186-BJR

**JOINT MOTION TO CONSOLIDATE
AND ORDER**

JOINT REQUEST TO CONSOLIDATE THE RELATED ACTIONS

17 Pursuant to Federal Rule of Civil Procedure 42(a), all parties in this action and the actions
18 entitled *Gianne v. Amazon.com, Inc.*, No. 2:24-cv-309-BJR and *Peterson v. Amazon.com, Inc.*, No.
19 2:24-cv-364-BJR (together the “Related Actions”) have conferred through counsel and jointly and
20 respectfully request that the Court consolidate the Related Actions into a single consolidated
21 action.

22 Under Rule 42(a), “[i]f actions before the court involve a common question of law or fact,
23 the court may ... consolidate the actions.” Fed. R. Civ. P. 42(a). Once a court identifies a common
24 question of law or fact, it generally weighs “the savings of time and effort consolidation will
25 produce against any inconvenience, delay, confusion, or prejudice that may result.” *Rittmann v.*
26 *Amazon.com, Inc.*, No. C16-1554-JCC, 2019 WL 2994634, at *1 (W.D. Wash. July 9, 2019).

27 Here, the Parties agree that the Related Actions should be consolidated because they
28 involve the same defendant (Amazon) and overlapping factual and legal issues. Plaintiffs in the

1 Related Actions each allege that Amazon breached the contract with its annual Amazon Prime
 2 subscribers when it allegedly raised the price by an additional \$2.99 per month for Prime Video
 3 — one of the benefits of Amazon Prime — during the contract period. Plaintiffs in the Related
 4 Actions assert overlapping legal claims, asserting that Amazon’s conduct with respect to Prime
 5 Video constitutes a breach of contract and breach of the implied covenant of good faith and fair
 6 dealing, and violates the Washington Consumer Protection Act and other state consumer protection
 7 statutes. There is also substantial overlap across the proposed classes in the Related Actions, which
 8 all include customers who purchased annual Amazon Prime subscriptions. Given the common
 9 defendant and significant overlap in factual and legal issues, the interests of judicial economy
 10 support consolidation of the Related Actions.

11 **PROPOSED NEXT STEPS**

12 The Parties respectfully request that the Court (i) consolidate the Related Actions and any
 13 pending or future related actions in this District relating to an alleged price increase for Prime
 14 Video and/or the inclusion of advertising content with Prime Video, (ii) order Plaintiffs in the
 15 Related Actions to file a consolidated amended complaint, (iii) designate this action, the first-filed
 16 of the three Related Actions, as the main docket for the consolidated action, and (iv) vacate any
 17 prior scheduling orders and initial deadlines in each of the Related Actions. The Parties also
 18 respectfully request that Court enter the following case schedule in the consolidated action:

19 Event	20 Deadline
21 Deadline for Plaintiffs’ counsel in the Related Actions to file cross-motions seeking appointment as interim class counsel, pursuant to Fed. R. Civ. P. 23(g)(3)	22 14 days after the Court’s order on consolidation
23 Deadline to file a Consolidated Amended Complaint (“CAC”)	24 30 days after the order appointing lead interim class counsel
25 Deadline for Amazon to respond to the CAC	26 30 days after the CAC is filed

1 Dated: April 26, 2024

Respectfully submitted,

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32 **IT IS SO ORDERED.**

33 DATED this 13th day of May, 2024.
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37 Barbara Jacobs Rothstein
38 U.S. District Court Judge

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